

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Jeffrey R. Sampson, et al.

Serial No.: 09/915,044

Examiner: Ardin H. Marschel

Filing Date: July 24, 2001

Group Art Unit: 1631

Title: METHODS FOR DETECTING A TARGET MOLECULE

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee (Address envelope to "Box Non-Fee Amendments")
(X) Other: Petition for Extension of Time (fee \$ 410.00)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$84	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$280	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$410.00	3RD MONTH \$930.00	4TH MONTH \$1450.00		\$ 0
OTHER FEES						\$ 410
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 410

Charge \$ 410 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: **Sept. 23, 2003**

Typed Name: **Theodore J. Leitereg**

Signature: *Theodore J. Leitereg*

Respectfully submitted,

Jeffrey R. Sampson, et al.

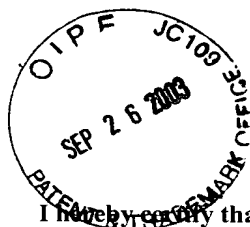
By *Theodore J. Leitereg*

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Attorney/Agent for Applicant(s)

Reg. No. **28,319**

Date: **Sept. 23, 2003**



CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on September 23, 2003.

Signature Theodore J. Leitereg Date 9/23/03

Name: Theodore J. Leitereg

PATENTS
Attorney Docket No. 10980920-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jeffrey R. Sampson, *et al.*

Serial No.: 09/915,044

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Title: METHODS FOR DETECTING A TARGET MOLECULE

Assistant Commissioner for Patents
Washington, D.C. 20231

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TECH CENTER 1600/2900

Sir:

Response to Communication Regarding Restriction Requirement

This is responsive to the Communication dated June 26, 2003, from the U.S. Patent and Trademark Office in the above-identified patent application, regarding Applicant's Response to Restriction Requirement (the "Response") filed on April 1, 2003.

The Examiner indicated that the Response was non-responsive to the prior Office Action mailed February 27, 2003, because of a conflict in the election that made it unclear which specie was being elected for the first specie election requirement.

In response thereto Applicant repeats the prior response below where the change is indicated in bold. Applicant believes that this change obviates any confusion regarding the election of specie. This change is supported by the Summary section originally filed where Applicant stated that "Furthermore, as required, Applicant has elected Specie A, Specie C and Specie E, respectively, in response to the First Specie Election Requirement for Group I, the Second Specie Election Requirement for Group I and the Third Specie Election Requirement for Group I." Applicant regrets the error.

Restriction Requirement

The Examiner required restriction under 35 U.S.C. §121 as follows:

Group I – Claims 1-59

Group II – Claims 60-61

In response thereto, Applicant elects the invention of Group I, Claims 1-59, drawn to methods of detecting a target molecule via a redox active moiety.

The Examiner further required that, if Group I was elected, then three specie elections were also required.

In the First Specie Election for Group I, the Examiner required election to patentably distinct species as follows:

Specie A: Methods wherein the semiconductor substrate contains cell(s), which do not contain numerical data storage means.

Specie B: Methods wherein the semiconductor substrate contains cell(s), which contain numerical data storage means.

In response thereto, Applicant elects the invention of **Specie A**, namely, methods wherein the semiconductor substrate contains cell(s), which do not contain numerical data storage means. In response to the Examiner's requirement for a listing of all claims readable on the above-elected specie, Applicant lists Claims 1-18, 21-34, 53-55 and 57-59.

In the Second Specie Election for Group I, the Examiner required election to patentably distinct species as follows:

Specie C: Methods wherein an analog-to-digital converter is not present in cell(s) present in the semiconductor substrate.

Specie D: Methods wherein an analog-to-digital converter is present in cell(s) present in the semiconductor substrate.

In response thereto, Applicant elects the invention of Specie C, namely, methods wherein an analog-to-digital converter is not present in cell(s) present in the semiconductor substrate. In response to the Examiner's requirement for a listing of all claims readable on the above-elected specie, Applicant lists Claims 1-4, 7-16, 26, 28-35, 38-55 and 57-59.

In the Third Specie Election for Group I, the Examiner required election to patentably distinct species as follows:

Specie E: Methods wherein a polymerase is not utilized for incorporating a redox active moiety into a target probe.

Specie F: Methods wherein a polymerase is utilized for incorporating a redox active moiety into a target probe.

In response thereto, Applicant elects the invention of Specie E, namely, methods wherein a polymerase is not utilized for incorporating a redox active moiety into a target probe. In response to the Examiner's requirement for a listing of all claims readable on the above-elected specie, Applicant lists Claims 1-9, 11-15, 17-25, 27-43 and 57-59.

SUMMARY

Applicant, in response to the requirement in the Office Action, has elected the subject matter of Group I. Furthermore, as required, Applicant has elected Specie A, Specie C and Specie E, respectively, in response to the First Specie Election Requirement for Group I, the Second Specie Election Requirement for Group I and the Third Specie Election Requirement for Group I.

Respectfully submitted,



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